

DAILY DEMOCRAT.

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SUNDAY.....AUGUST 8, 1858.

"Yesterday's mail brought us letter from the postmaster at Cythiana, directing us to discontinue a number of papers which have been forwarded to subscribers at that point. The cause alleged is, that they don't "like our course upon the Leecompton question." We are sorry that we do not suit them. We are well satisfied, however, that we are right; and were right from the beginning. The returns of the Kansas election, now coming in, substantiate the correctness of our position. We had the most substantial evidences of fraud in Kansas, and asked that, as the Leecompton constitution did not clearly and fairly express the will of the people of that territory, the constitution should be rejected; or, that Kansas should not be admitted under a constitution that a majority of the people did not approve.

At length, Congress, after fussing over the question some six months, adopted the expedient known as the English Conference bill, which, in effect, accomodates all we asked for, to wit: That as each party in Kansas had charged fraud and rascality upon the other, and as doubt existed as to whether a majority of the people wanted the Leecompton constitution, that it be sent back to the people for their rejection or approval. This is what we claimed should be done when Congress first met; and it is what Congress was compelled to do before it adjourned. The election has already taken place in Kansas, and the result will show that we were not mistaken in our judgment, in pronouncing that a majority of the people of that territory were opposed to the Leecompton constitution, and did not ask admission as a State under it.

The fact is, we are flatly opposed to the admission of any territory as a State, until it clearly shows the requisite population. Besides, we would be in no hurry to admit the people of a territory to a State government who were living in open rebellion to the United States laws, and who required the presence of United States troops to keep them in subjection. They are clearly not fit to become a sovereign State of the Union, while they are daily guilty of treason.

The very partial returns already received from the election, held in compliance with the terms of the English Conference bill, show that the people of Kansas are opposed to the Leecompton constitution. But approving or opposing, it was all the same to us, so far as our point was concerned. We wished the constitution fairly submitted, and were willing to abide the result of the people of Kansas—whether for slavery or against it. Indeed, it was for the great principle of popular sovereignty alone that we were contending, and without which there can exist no national Democratic party in this country. It was the only element in the canvass of 1856 strong enough to beat the Black Republicans; and we have always felt fully assured that, unless we urged it in its fullest scope, and carried it out according to the letter and spirit of the Kansas-Nebraska bill, we could hope for no more success in Northern Democratic States. Without these States we could achieve nothing. The South is powerless without the support of the Northern Democracy. If it votes a unit, it is only sectional in its results. We won the race, in 1856, upon the square-out popular sovereignty platform, and we shall make that platform our guide until the Democracy, in 1860, make another. But popular sovereignty embodies a great principle which will never change. It is the very essence of republicanism, and will survive when governments crumble and fall.

But we are not intending to make any explanation of our conduct. We know that we are right. We did think, however, now that the constitution had gone back to the people of Kansas, that all were satisfied. It is not the case with some we notice. The persecution is to be kept up towards our establishment, for boldly and fearlessly differing with the President upon a single question of his policy. We are square out for what we profess, and shall neither turn to the right nor the left. We go forward in the path of duty; and there is none who can charge that we have swerved an iota from the support of Democratic principles, as avowed in the platform at Cincinnati in 1856, and maintained during the canvass that elected Buchanan to the Presidency.

As soon as the gentlemen have heard from the election in Kansas, we shall expect them to repent of their sins, and come back, and bring us a score of other patrons, as an earnest of their friendship for the future.

Stray Submarine Thoughts.

There will be no necessity for Miss Flora McFlimley to make "three separate journeys to Paris," in quest of "something to wear," for now the dear creature can receive, at nine o'clock, a. m., direct from the metropolis of fashion, the newest style of bonnet, in time for the opera, at eight o'clock, p. m. We have been thinking of the startling fact that two men, three thousand miles from each other, can now converse intelligibly together, over the Atlantic; and that, too, while tempests are howling, and gold-freighted vessels are plowing the billows between them.

Think of the fearful messenger of God being literally chained to the waves, and made subservient to man. Think of reading, at ten o'clock, a. m., some important European event which doesn't transpire till eleven—a of a backwoodsman reading, fresh from the press, a speech of Lord Derby, an hour before it was delivered—of a Liverpool merchant learning, in fifteen minutes, the price of pork in Liverpool—of any political dispute between England and America being "amicably adjusted" in an hour—of the merest street scavenger of New York being acquainted with the height of the Princess Frederick William—of the possibility of Staunton and Morphy playing chess across the Atlantic—and of my Lord Grosvenor driving in Hyde Park, conscious of the fact that there is a Mississippi steamboat on fire.

Upon the local page of yesterday's Democrat we find a very ill-natured and unjust paragraph in regard to your friend, Mr. W. H. Chase. We cannot suppose that such a paragraph would have been written by any man of sense, or by any friend of the father and his friend. A well-known and highly respectable citizen, who, with the young gentlemen, was the last to leave the election, informs us that the latter acted only in sport, and that there was not the slightest cause for any attack by the police.

The local of the Democrat disclaims all purpose to wound any one's feelings; nothing could be further from his intentions. The facts are substantially, as stated in the Democrat's article, and were given to the local by the Dr. and a young man who witnessed the occurrence. The only point in which we were not strictly correct, was in ascribing a wrong motive to the policeman. We have had a conversation with officer Williams—the officer referred to—and he informs us that he did not know who the young man was, and should not be able to recognize him if he met him on the street.

Mr. Peabody, the celebrated Anglo-American merchant, is troubled occasionally with the gout.

The Clerk's Name—Directory Statutes. The Journal, in an article yesterday, dwells upon the absolute necessity of the clerk's name being subscribed to the bottom of every page of the poll-book, in order to render them valid. We would recommend to our neighbor to read an article on that point in our yesterday's edition. Therein we showed to every man, with understanding enough to keep from going to all fours, what the law was, or rather we quoted the law, and it explained itself. We showed that, so far from requiring the clerk's signature to the bottom of every page, that the poll-book might be lost or destroyed, and still the duplicate statements of the Judges be received as the proper returns, these returns not having the clerk's signature.

In endeavoring to show the necessity of the signature, the editor says:

The law prescribes certain forms in which a last will and testament is to be made, and certain forms in which it is to be witnessed instead of the two that are required, the document is utterly worthless, no matter how it is written or signed. It may be written by the hand of the testator or under his instructions. The law requires that the name of the testator be written on the document, not the whole thing passes for nothing. Our law, as we have already stated, requires that in the presence of at least two credible witnesses, who shall sign the poll-book so that the same may be identified.

The state reads as follows: chap. CVI, section, Rev. Stat.:

"No will shall be valid unless it is in writing, with the name of the testator thereon, and with the name of some other person in his presence, and by his direction; and moreover, if not wholly written by the most distinguished scientific reputation, and well-known to the public, it shall be witnessed by two credible witnesses, who shall sign the poll-book so that the same may be identified."

The reader will notice that, to be valid, the will must be so written and witnessed; but the election is not declared to be void, if the clerk's name is not under written. The law is simply directory. It enjoins that certain things shall be done, affixing no penalty if they are not done. Directory Law is defined (Blackstone, vol. 1, page 54), as one "whereby the rights to be observed and the wrongs to be eschewed are already defined and laid down."

To make this election invalid, the sanction or vindictive branch of the law must be added, which is defined on the same page of Blackstone's Commentaries, as one "whereby it is signified that a penalty or punishment shall be incurred by such as commit any public wrongs, and transgress or neglect their duty."

For example, and we thank our neighbor for the one given, in the case of the will, put by him; it directs the manner in which the will must be executed—which is the directory part of the law—and then declares the will invalid, unless these forms are complied with, which is vindictive or the penalty for not so complying.

Our readers can well understand this; we think it is not above the comprehension of even

Messrs. Matlock and Clements. There is, we repeat, no penalty affixed if the clerk fails to sign every page. We quote the paragraph, art. 3, section 5, page 285, Rev. Stat.:

"Each clerk in the presence of the judges, shall sign at the foot of every page of the poll-book so that the same may be identified."

The clerk has undoubtedly committed an error, but is this people ready to receive the punishment? Would there be any justice in such a proceeding? Ought our law-makers to have declared that, if this clerk failed in his duty, we, the people, were to be punished by disqualification? If they did, we suppose that their law-making power would have speedily terminated. Similar cases to this have been frequently decided in our courts—where an officer is directed by law to do certain acts, but with no penalty affixed to his failure so to do. For the benefit of our neighbor and for certain K. N.'s who are great on law just now, we make some quotations.

The first, and perhaps the oldest, is one where the opinion was delivered by a chief justice whom our neighbor violently admires. Second, Bibb's Rep., page 403; opinion by Chief Justice Boyle. It was here contended that the Sheriff's sale was to be wholly void, and ought to have been quashed, because the Sheriff failed to advertise agreeable to law. The judge says, alluding to this point:

"As to the first point, it cannot be controverted—that the sheriff has acted in strict conformity to the law. The 5th section of the 1790 concerning executions, requires the sheriff to give notice of the time and place of sale by advertising 'at the court-house door, and at the meeting-house door, and most public places within the county.' This section, however, is silent with respect to the consequence of a failure on the part of the Sheriff to comply with his requirements; nor is there any statutory provision on this subject. We submit, therefore, that the have the effect of avoiding the defect or else, is left to be decided according to the general rules of property, and dictates of sound policy."

JOHN YOUNER.

"It is obvious, that, in the several acts prescribing the duty of sheriffs, with relation to executions, there are many provisions which are merely directory to the Sheriff, and a failure to comply with which, though it might render him liable to the extent of the injury produced by such failure, would not vitiate the sale made under execution."

Such is the construction which justice and good policy require to be given to the provision, which prescribes the manner of advertising the sale of property taken under execution. Under this construction, if the sheriff fail to give the notice required by law, and any sacrifice of the property should be produced by such failure, the owner would have a remedy against the sheriff, adequate to the injury he had sustained, and no injustice would be done. But, if a failure of the sheriff to give the requisite notice were to have the effect of vitiating the sale, the object of the law in requiring the notice might be defeated, and the property sacrificed without a possibility of remedy.

So, if the failure of the clerk to sign the foot of the page were to have the effect of vitiating the election, the object of the law would be equally defeated. The cases are precisely parallel, with the exception that there is a remedy sometimes against the sheriff, while there is none against the clerk.

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DAILY DEMOCRAT.

READING MATTER OF EVERY PAGE.

SABBATH READING.

(For the Louisville Democrat.)
How much I love the twilight hour,
When all around is grave and still,
To wander through the lovely bower.
There first my heart with love was filled.

Sweet memories of the past so dear
Still linger 'round my aching heart;
Although I feel that not here,
I cannot from this grove depart.

I know that art the beaten star
To guide me through the wonder house,
And while through life still straying far,
There recall me when I roam.

I have my voice to him above,
Who called these hence from every woe;
To give me grace, fill me with love,
And make my joys for ever flow.

LA GRANGE.

SWEET WERE MY DREAMS OF THEE.

Such were my dreams when far away,
In the bright noon of summer day;
In the midnight hour and the blaze of day,
My only thoughts were of thee.

How glad I was to see thy part,
Then sad was my dream of thee;

How glad I was to see thy heart;
Oh! sad was my dream of thee.

I dream again who were by me,
And sweetly smiled on me;

I dream again who were my bride;

Oh! sweet were my dreams of thee,

And all my dreams were not in vain,

For I have a friend in heaven,

I hail thee now as mildest fair bride;

And sweet are my dreams of thee.

L. H. NAGIEL.

Fugacious "Reformers."

THE FREE LOVERS REFUSE TO LEAVE BERLIN HEIGHTS.—The peaceable citizens of Berlin Heights proposed to get rid of the Free-Love community in that place, by purchasing their property at a fair valuation. The offer has been made, but the offensive people won't go. Mrs. Cora Barry, editor of that blasphemous sheet, the Age of Freedom, gives vent to the feelings of the Free-Lovers in the following independent style:

"Born in Berlin, I consider myself 'natural,' feel I have the privilege of a 'Native American,' and I expect to remain here. Thinking as I must on all subjects; acting as my highest convictions impel me on all occasions; advocating such faith and such life as is good to me always, I expect still to remain."

Scorning that purity manufactured by the bright, but still light, one young girl sat reading; another sat at the window watching the cows as they walked demurely from the yard to the stable, while a boy of eleven summers was seated on a cricket in front of the fire, gazing steadily at the flames as they shot upward, but with an apathetic expression, indicating that all was not well and elsewhere.

So fully Ellen advanced from the window, and took her sister Ruth to call her attention, just whispered, "Just look at Thomas! He's in a brown study, as the teacher said this afternoon. I do wonder what he's thinking of!"

"Ask him," responded Ruth, glancing at her brother, and then turning to her book again.

"Thomas," called Ellen, "What makes you look so sober to-night? Did you miss at school?"

"The boy had a deep sigh, and then turned to his sister with a smile, said, "O, Ellen, you can help me, if you will, only you must first promise not to tell any one."

Ellen promised, and Thomas led her to the further corner of the room, as his mother had come in, where he made known to her that Ruth had gone to bed. I heard her bringing in the clothes and kept coughing, as she always does when she works hard. Father told her that she must go to that doctor's still that done her so much good last winter. At first she did not answer, but pretty soon I saw her put up her hand and brush away a tear."

"There are so many things to be bought for the children," she said after a while, "that I don't like to spend money for medicine. I don't have much money much."

"I know that too," replied father, "but you must attend to your health. What should we all do without you?"

"I sometimes think," said mother, "that my work is almost done, and if it is God's will to call me away, he will provide for you and our dear children."

"I could n't stay to hear any more, for I had to run into the entry to keep from sobbing aloud. Oh! Ellen what could we do?"

"Ellen what could we do?"

Ellen stood for one moment returning her brother's gaze; then said eagerly, "Ruth and I will pit it for you. We'll get up very early, and do our stint before breakfast, and then we shall have joyfully accepted this offer, and readily obtained the job from the best physician. Before night had put the two girls in the bed, she had woven a new and gay pillow-case, a pleasing gaiety, as if to satisfy herself that her brother had cause for his solicitude, and then asked, "but what can you or both of us do to help her?"

"I mean somehow to buy her a bottle of that medicine," exclaimed Thomas, impressively, "but how to do it is the question. Dr. Jones had a load of wood carted to-day, and he wants a man to come and saw it. I would go to-morrow afternoon and ask him to give me the job, and the medicine to pay, only father wants his wood piled up to-morrow before the snow comes."

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The German letter, from St. Petersburg, June 16th, gives some items of interest respecting the monster church which has just been dedicated. The author, who is Thomas, was hanging up the saw preparatory to leaving, "how much have you earned this afternoon?"

A bright thought flashed through the boy's mind, and in true Yankee style he answered the question by asking, "Doctor, how much a bottle was the cough medicine you gave mother?"

"Half a dollar I think. Is she sick again?"

The boy then communicated his wishes, and with a flushed face inquired of the doctor if he would be satisfied to let him have a bottle to carry home with him.

The good man was evidently moved by this unexpected proposal. He made no reply except to invite the boy to his office. When there he talked more freely, and ended by giving him a small powder for his mother, with directions for taking it, in addition to the desired cough medicine, and promised to call himself the next day.

An hour later Thomas sat with his sisters by the fire, and communicated to them the joyful tidings of his afternoon labor. They then proceeded to give the medicine to their mother as a token of affection from her three children, "for" said Thomas, "I could not have done it if I had not been moved."

To say that Mrs. Grant was gratified, would be but feebly expressing her emotion, when the love token was placed in her hands.

With moistened eyes she gave each of them a kiss, and then added in a subdued voice, "God will reward you, my dear ones. The blessing affixed to the fifth commandment will be yours, for you have indeed honored your mother."

God did bless them in rendering the medical effect in restoring the health of their mother, whose life was prolonged for years—She saw her children growing up useful, happy, and respected by all who knew them.

YOUTH'S COMPANION.

A gentleman who employs a great number of hands in a manufactory in the west of England, in order to encourage his work people in a due attendance at church on a late fast day, told them that if they wanted to church they would receive their wages for that day in the same manner as if they had been at work.

He said to his wife, "I will do my best to acquaint the employer, that if he would pay them for over hours, they would attend likewise the Methodist chapel in the evening."

A VIRGINIA FOURTH OF JULY TOAST.—Women have adopted the word "telegram," and promises, if it proves a kill-gram, to send a telegram to its friends. The Albany Argus says:

"We will try to publish a biogram of the victim, giving the program of the catastrophe, illustrated by a lithograph of the handsome countenance of the departed, underwritten by his autograph, which will prove an excellent chirogram."

"Here's some rhyme no reason," said Sir Thomas More, being on one occasion asked by the author for his judgment concerning an in different publication, replied: "By all means put it into verse, and bring it to me again," which being done, Sir Thomas looking at it, said: "Why, now it is something like; now it is rhyme; before it was neither rhyme nor reason."

"The late Rev. Rowland Hill understood human nature well. His chapel having been infested by pickpockets, he took occasion to remind the congregation that there was an all-seeing Providence, to whom all hearts are open, and from whom no secrets are hid; "but lest," he added, "there may be those present who are insensible to such reflections, I beg leave to state that there are also Bow-street officers on the lookout."

"How many volumes might be written on the power of trifles! A single atom, like a cipher in arithmetic, may assume incalculable importance from its position. A spider-welt saved Mahomet from his pursuers. The frailty of Count Julian's daughter introduced the Saracens into Spain. Cromwell came near being strangled in his cradle by a monkey. Henry VIII was smitten with the beauty of a girl of eighteen, and lo! the Reformation."

"NOTES AND QUERIES.—Did Tennyson, in that line of "Locksley Hall," beginning:

"And the individual cities," mean to allude disrepectfully to old George Wethers, the poet?

DRY GOODS.

S. B. MARSH, 100 Main st., and F. DOWNS,

RECEIVED THIS DAY—

Plain colors and black Irish Poplins; Checked and Bayadere; do; Bayadere Moulin de Chine; do; Muslin of all kinds; do; Ainsley's do; Ainsley's Siles Robes; do; Double Silk Siles. For sale by

MARK & DOWNS, 473 Main st.

MUSKETO NETTING.—50 PCS

For sale by (anti) JAMES LOW & CO., 418 Main st.

Just received and for sale by

JAMES LOW & CO., 418 Main st.

DE LAINES.—

6 cases all-wool De Laine, plain colors;

do fancy new-style De Laine;

do do;

do do;